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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/385,336 08/30/99 ROBERTS B 3345-2180

QM12/1023

KEITH R. HAUPT
WOOD, HERRON & EVANS, L.L.P.
2700 CAREW TOWER
441 VINE STREET
CINCINNATI OH 45202-2917

EXAMINER

DEXTER, C

ART UNIT	PAPER NUMBER
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3724

13

DATE MAILED:

10/23/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trad marks

BEST AVAILABLE COPY

Office Action Summary

Application No.
09/385,336

Applicant(s)
Roberts et al.

Examiner
Clark F. Dexter

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3724



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on Jul 19, 2001

2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) 1-34 is/are pending in the application.

4a) Of the above, claim(s) 3-6, 9-26, 28, and 30-34 is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) 1, 2, 7, 8, 27, and 29 is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved.

12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

a) ☐ All b) ☐ Some* c) ☐ None of:

1. ☐ Certified copies of the priority documents have been received.

2. ☐ Certified copies of the priority documents have been received in Application No. _____.

3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

*See the attached detailed Office action for a list of the certified copies not received.

14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

15) ☐ Notice of References Cited (PTO-892)

18) ☐ Interview Summary (PTO-413) Paper No(s). _____

16) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

19) ☐ Notice of Informal Patent Application (PTO-152)

17) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____

20) ☐ Other:

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DETAILED ACTION

1. The amendment filed ^{on March 2,} ~~May 22,~~ 2001 and the response filed July 19, 2001 have been entered. It is noted that in view of the new amendment practice under 37 CFR 1.121 which became mandatory for all amendments on March 1, 2001, and due to the limited amount of examining time per application, if the amendment contains changes to existing language that requires a marked-up version showing those changes, the Examiner is relying upon the marked-up version(s) for examination of the application. It is applicant's responsibility to ensure that the clean version(s) is (are) the same as the marked-up version(s). It is further noted that the clean version(s) is (are) considered to be the Official version(s).

Claim Rejections - 35 USC § 112

2. Claims 1, 2, 7, 8, 27 and 29 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 1, line 2, "in combination" is vague and indefinite as to what it refers, and it is not clear whether the intended use of this phrase is to include the tickets as part of the claimed invention; in line 3, it seems that the comma "," after "housing" should be deleted for clarity; in line 9, "said ticket" lacks positive antecedent basis, and it seems that it should read --said tickets-- or the like; in line 10, structural cooperation is lacking for the currency acceptor device,

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particularly with respect to the structure to transfer credits therefrom, and it appears that the claim is incomplete since critical structure (e.g., a credit storage means) is missing, and thus it is not clear how credits produced by the currency acceptor device get to the dispensing means; in line 12, it seems that "credit" should read --number of credits-- to correspond with the use of "credits" in line 10; also in line 12, "winnings" is vague and indefinite as to what it represents, particularly in view of the use of "credits"; in line 13, "making a credit" is vague and indefinite as to what is being set forth, particularly in view of the previously-recited references to "credits", and it seems that "winnings" in line 12 should be changed to --credits--, and "making a credit in the amount of such worth available" in lines 13-14 should be changed to --producing said amount of credits-- or the like for clarity.

In claim 7, line 2, "a dispensing mechanism" is vague and indefinite as to what disclosed structure it refers, particularly in view of the recitation of "means for selectively dispensing" in claim 1; in line 9, structural cooperation is not positively set forth for the drive device, particularly with respect to the separator member, and it is suggested in line 9 to change "for" to --and-- or the like; also in line 9, "ins aid" is vague and indefinite.

In claim 8, lines 8-10, "positioned to extend across one of said strips when a strip is in a position for dispensing" is vague and indefinite since the invention is being defined in terms of the workpiece which is not part of the claimed invention, and it is suggested in line 8 to insert --a ticket strip dispensing path for extending across-- after "across" or the like; in line 11, "said housing drive" lacks antecedent basis (it seems that it should read --drive housing--).

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In claim 27, lines 6-8, "positioned to span said strip and extend in a direction transverse to said strip when said strip is in position for dispensing" is vague and indefinite since the invention is being defined in terms of the workpiece which is not part of the claimed invention, and it is suggested in line 6 to insert --across a ticket strip dispensing path-- after "positioned" or the like.

In claim 29, line 3, structural cooperation is not positively set forth for "a drive motor", particularly with respect to the shaft, and it is suggested in line 4 to change "for" to --and-- or the like.

Prior Art

3. Further consideration of the claimed invention with respect to the prior art will be given upon clarification of the claimed invention.

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Clark Dexter whose telephone number is (703) 308-1404.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Rinaldi Rada, can be reached at (703)308-2187.

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Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703)308-1148. The fax numbers for this group are: formal papers - (703)305-3579; informal/draft papers - (703)305-9835.



Clark F. Dexter
Primary Examiner
Art Unit 3724

cfd
October 22, 2001

Attachment for PTO-948 (Rev. 03/01, or earlier)
6/18/01

The below text replaces the pre-printed text under the heading, "Information on How to Effect Drawing Changes," on the back of the PTO-948 (Rev. 03/01, or earlier) form.

INFORMATION ON HOW TO EFFECT DRAWING CHANGES

1. Correction of Informalities -- 37 CFR 1.85

New corrected drawings must be filed with the changes incorporated therein. Identifying indicia, if provided, should include the title of the invention, inventor's name, and application number, or docket number (if any) if an application number has not been assigned to the application. If this information is provided, it must be placed on the front of each sheet and centered within the top margin. If corrected drawings are required in a Notice of Allowability (PTOL-37), the new drawings **MUST** be filed within the **THREE MONTH** shortened statutory period set for reply in the Notice of Allowability. Extensions of time may **NOT** be obtained under the provisions of 37 CFR 1.136(a) or (b) for filing the corrected drawings after the mailing of a Notice of Allowability. The drawings should be filed as a separate paper with a transmittal letter addressed to the Official Draftsperson.

2. Corrections other than Informalities Noted by Draftsperson on form PTO-948.

All changes to the drawings, other than informalities noted by the Draftsperson, **MUST** be made in the same manner as above except that, normally, a highlighted (preferably red ink) sketch of the changes to be incorporated into the new drawings **MUST** be approved by the examiner before the application will be allowed. No changes will be permitted to be made, other than correction of informalities, unless the examiner has approved the proposed changes.

Timing of Corrections

Applicant is required to submit the drawing corrections within the time period set in the attached Office communication. See 37 CFR 1.85(a).

Failure to take corrective action within the set period will result in **ABANDONMENT** of the application.